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TRANSCRIPT OF PROCEEDINGS  
TRIAL ON THE MERITS  
VOLUME 5  
March 1, 2019

Proceedings reported by stenotype.

Transcript produced by computer-aided transcription.

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1 (Open court; outside the presence of the  
2 jury.)

3 THE COURT: We are on the record in Tenorio  
4 versus Pitzer.

5 We have a note. We don't have a verdict,  
6 but I don't send anything in to the jury without  
7 having you here to check it out.

8 So, simple note:

9 "May we please have a tape measure?"

10 And so I'm not sending a tape measure into  
11 the jury room without you knowing and viewing what I  
12 send in.

13 Any objections?

14 MS. HIGGINS: Not from us.

15 MS. GRIFFIN: No objection, Your Honor.

16 THE COURT: All right. And it's signed by  
17 the foreperson.

18 I don't have anything else.

19 Anybody else have anything else?

20 (A recess was taken from 9:58 a.m. to 11:53  
21 a.m.)

22 THE COURT: We are back on the record in  
23 Tenorio versus Pitzer.

24 We have been informed that the jury has  
25 reached a verdict.

1 Is the jury ready to come in?

2 (Open court; jury present.)

3 THE COURT: All right. Please be seated.

4 So good morning, ladies and gentlemen of  
5 the jury. I understand you have reached a verdict.

6 Is that right?

7 FOREPERSON: Yes.

8 THE COURT: All right. I'll ask you to  
9 please hand the envelope to the Court Security  
10 Officer.

11 Thank you.

12 All right.

13 Verdict: Question Number 1:

14 "Do you find by a preponderance of the  
15 evidence that Brian Pitzer used excessive force  
16 against Russell Tenorio, in violation of the Fourth  
17 Amendment to the United States Constitution?"

18 Answer:

19 "No."

20 Dated and signed by the foreperson.

21 Is there anything further, Counsel?

22 MS. MORRISSEY: The plaintiff would ask  
23 that the jury be polled.

24 THE COURT: All right. So the plaintiff  
25 has requested that the jury be polled.

1           So I will call on you individually and ask  
2 you whether or not the verdict I just read is your  
3 verdict.

4           So I'll start in the back, and I'll call  
5 you Juror Number 1, is the verdict that I just read  
6 your verdict?

7           JUROR: Yes.

8           THE COURT: Juror Number 2?

9           JUROR: Yes, it is.

10          THE COURT: Number 3?

11          JUROR: Yes.

12          THE COURT: Starting in the front row?

13          JUROR: Yes.

14          JUROR: Yes.

15          JUROR: Yes.

16          JUROR: Yes.

17          THE COURT: All right.

18          Thank you, members of the jury.

19          Is there anything further?

20          MS. HIGGINS: There is not.

21          THE COURT: Ms. Griffin?

22          MS. GRIFFIN: No, Your Honor, thank you.

23          THE COURT: So, ladies and gentlemen of the  
24 jury, I want to thank you for your -- your diligence.  
25 I know that you-all took this case very seriously, as

1 you should. And I knew -- I could tell that you were  
2 all paying close attention, and so I thank you for  
3 that.

4 I have told you repeatedly during this  
5 trial that you should not discuss this case with  
6 anyone.

7 That no longer applies. You can discuss  
8 this case with anyone you wish. You're also free not  
9 to discuss this case with anyone. It's just entirely  
10 up to you.

11 I will tell you that it's not at all  
12 uncommon for the attorneys to want to talk to jurors  
13 to just ask questions about how maybe they could have  
14 improved their presentation, things like that.

15 Whatever you care to discuss is absolutely  
16 fine.

17 The last thing I wanted to say is that I  
18 would like to come and speak to you in the jury room  
19 and thank you in a more personal setting. And so  
20 it's not required, but if any of you are willing to  
21 visit with me for just a few minutes, I would enjoy  
22 getting to speak with you on a less formal basis.

23 So again, I thank you for your work in this  
24 case.

25 And at this time I will discharge you from

1 your duties as jurors in this case.

2 Please rise for our jury.

3 (Open court; outside the presence of the  
4 jury.)

5 THE COURT: Do you want a copy of the  
6 verdict form, I would assume? Yes? No?

7 MS. HIGGINS: It will get filed,  
8 Your Honor, thank you.

9 THE COURT: Oh, that's true. All right.  
10 Is there anything further?

11 MS. HIGGINS: No.

12 MS. GRIFFIN: No, Your Honor.

13 THE COURT: All right.

14 We'll be in recess.

15 (Proceedings concluded at 11:58 a.m.)  
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CERTIFICATION

I certify that the foregoing is a correct transcript from the record of proceedings in the above-entitled matter. I further certify that the transcript fees and format comply with those prescribed by the Court and the Judicial Conference of the United States.

Date: March 4, 2019

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PAUL BACA, RPR, CCR  
Certified Court Reporter #112  
License Expires: 12-31-19



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